



March 16, 2018

Christopher Calfee, Deputy Secretary and General Counsel
California Natural Resources Agency
Sacramento, CA 95814
Fax: 916-653-8102

Submitted via Email to: CEQA.Guidelines@resources.ca.gov

Subject: Notice of Proposed Rulemaking Regarding the CEQA Guidelines

Dear Mr. Calfee:

Thank you for the opportunity to provide continued feedback to the Office of Planning and Research (OPR) and the California Natural Resources Agency (CNRA). Our primary purpose in providing the comments below is to help ensure the successful implementation of the updated guidelines and SB 743. The City of San Diego has been participating in the Big Cities Working Group, a group of city planners and public works managers from the large, urban cities within the State of California. This group has focused on the methods and practices necessary for the implementation of SB743 and the transition to a VMT metric for analysis under CEQA. While we participate actively in this group, the City did not sign onto the coordinated letter due to some fundamental disagreements in the comments made. This letter outlines the overall support of the State in the transition to, and use of, VMT for CEQA analysis. We look forward to partnering with OPR and CNRA to ensure that the final Guidelines achieve primary legislative objectives of greenhouse gas emission reductions and a streamlined CEQA review process.

The City of San Diego is supportive of the latest version of the changes and updates to reflect legislative changes and holdings in recent CEQA case law. In particular, we applaud OPR's latest changes related to the implementation of SB 743, and have only a select number of suggested edits. We do, however, have some serious concerns regarding the proposed changes to Section 15155, as they relate to Water Supply Assessment (WSA) requirements, and have recommended changes to the proposed language under 15155 as noted below.

Section 15155

Regarding proposed amendments to Section 15155, the City supports the renewed emphasis on long term planning for water supplies. We support the addition of language to accurately identify water supply sources into the future and the associated environmental impacts. However, we suggest the analysis of water supply should be consistent with Water Code §10910(c)(4) and local management plans, which require a 20 year threshold for supply forecasting. The proposed revisions imply accurate forecasting could occur beyond this threshold, which is outside the mandated scope of Urban Water Management Plans and cannot be accurately forecasted, and therefore cannot be reasonably foreseeable. In that regard, please see our recommended edits (shown in strike-out /red italics) to Section 15115, as follows:

~~(f) The degree of certainty regarding the availability of water supplies will vary depending on the stage of project approval. A lead agency should have greater confidence in the availability of water supplies for a specific project than might be required for a conceptual plan (i.e., general plan, specific plan). An analysis of water supply in an environmental document may incorporate by reference information in a water supply assessment, urban water management plan, or other publicly available sources. The analysis shall include the following:~~

~~(1) Sufficient information regarding the project's proposed water demand and proposed water supplies to permit the lead agency to evaluate the pros and cons of supplying the amount of water that the project will need during the 20-year projection under Water Code section 10910(c)(4).~~

~~(2) An analysis of the reasonably foreseeable environmental impacts of supplying water throughout the life of all phases of for the project during the 20-year projection under Water Code section 10910(c)(4).~~

~~(3) An analysis of circumstances affecting the likelihood of the water's availability during the 20-year projection under Water Code section 10910(c)(4), as well as the degree of uncertainty involved. Relevant factors may include but are not limited to, drought, salt water intrusion, regulatory or contractual curtailments, and other reasonably foreseeable demands on the water supply.~~

~~(4) If the lead agency cannot determine that a particular water supply will be available, it may consider alternative sources and an analysis of the shall conduct an analysis of alternative sources, including at least in general terms the environmental consequences of using those alternative sources, or alternatives to the project that could be served with available water.~~

CEQA Guidelines Comments Related to SB 743/Transportation Impacts

The City concurs with OPR's recommendation that all land use projects, not just those in Transit Priority Areas (TPAs), should be required to use a VMT metric. Restricting the VMT analysis to projects that are within TPAs will likely undermine the streamlining objectives of SB 743 for infill projects, and could create legal uncertainty. The City believes that VMT is the appropriate metric to review land use projects on the basis of transportation efficiency and its close association with GHG emissions.

Change in circumstances - The updated Guidelines should include a provision to ensure that the new thresholds and methodologies do not affect an agency's ability to tier from previously certified CEQA documents by clarifying that the amended Guidelines do not constitute a "change in circumstances."

Text of the Proposed Section 15064.3

Section 15064.3 (b) (1) - We agree that projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant impact.

Appendix G Environmental Checklist Form

VXII. TRANSPORTATION (a) – Revise “bicycle lanes and pedestrian paths” to “bicycle and pedestrian facilities” to include all types of these facilities.

VXII. TRANSPORTATION (d) – Revise to delete the proposed specification of “geometric design features” as advances in technology may lead to the need for other potential design features to be considered.

VXII. TRANSPORTATION – We support the removal of safety from CEQA as currently proposed. Safety will continue to be important in every agency's decision-making process, but it can and should be addressed outside of the environmental process. The previously proposed changes could have invited additional CEQA litigation, and therefore, would not advance the streamlining objective of SB 743.

OPR Technical Advisory

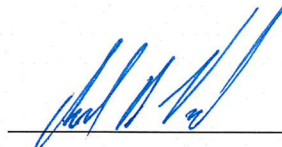
Section F Mitigation and Alternatives, and Section H VMT Mitigation and Alternatives – Additional research and documentation on the applicability and efficacy of mitigation measures are needed.

Once again, thank you for the opportunity to comment and please do not hesitate to contact Alyssa Muto at (619) 533-3103 or via email at amuto@sanidiego.gov if you have questions regarding any of our comments and proposed edits.

Sincerely,



Alyssa Muto, Interim Director
Planning Department



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